

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

SLICK SLIDE LLC)	Case Number: 3:23-cv-00348
4247 E. Casitas Del Rio)	
Phoenix, Arizona 85050,)	Judge: Whitney
)	
Plaintiff,)	Magistrate Judge: Rodriguez
)	
v.)	
)	JURY TRIAL DEMANDED
BA NE Charlotte, LLC)	
8215 University City Blvd.)	
Charlotte, North Carolina 28213,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Slick Slide LLC (“Slick Slide”), for its First Amended Complaint against Defendant, BA NE Charlotte, LLC (“Defendant”), states and alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement and arises under the patent laws of the United States, codified in Title 35 of the United States Code.

THE PARTIES

2. Plaintiff Slick Slide LLC has a place of business at 4247 E. Casitas Del Rio, Phoenix, Arizona 85050, and is a well-known provider of recreational slides.

3. Defendant BA NE Charlotte, LLC has a place of business at 8215 University City Blvd., Charlotte, North Carolina 28213. Defendant is a trampoline park, in which it uses and operates recreational slides.

JURISDICTION AND VENUE

4. This is a patent infringement case, and this Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. Venue in this judicial district is appropriate based on 28 U.S.C. § 1400(b), in that the Defendant resides therein, or the Defendant has committed acts of infringement and has a regular and established place of business therein.

BACKGROUND FACTS

6. Slick Slide is a family-friendly business, providing entertainment for children and adults in the form of innovative and customized recreational slides. Slick Slide has provided its innovative and customized recreational slides throughout the United States.

7. Slick Slide incorporates unique technology and innovative designs in its products to provide a customized experience for its customers. Slick Slide's products are also customized to its customers' environment, including amusement parks and water parks. Slick Slide's product offerings include indoor and outdoor customized recreational slides.

8. The slide designs offered by Slick Slide are the original creation of Slick Slide. By way of example only, Slick Slide's Launch Slide design is an original creation of Slick Slide.

9. Slick Slide's Launch Slide design is protected by United States Design Patent No. D973,821, entitled "Recreational Slide" ("the '821 patent"), which issued from the United States Patent and Trademark Office ("USPTO") on December 27, 2022, to inventor Gary Schmit. Mr.

Schmit assigned the ‘821 patent to Slick Slide, which at all times relevant to this action has been the owner of the ‘821 patent. A copy of the ‘821 patent is attached to this Complaint as Exhibit A. Slick Slide marks its Launch Slide with the ‘821 patent.

10. Defendant is a trampoline park. In connection with its business, it uses and operates recreational slides. For example, Defendant uses and operates the slides that are depicted in the image attached hereto as Exhibit B. Defendant uses and operates the slides that are depicted in the image attached hereto as Exhibit B in this judicial district, has substantial and continuous contacts with this judicial district, and conducts systematic business in this judicial district.

11. Defendant is a franchisee of H2O Partners, LLC (“H2O Partners”).

12. Upon information and belief, Defendant purchased the slides that are depicted in the image attached hereto as Exhibit B from H2O Partners.

13. Upon information and belief, H2O Partners imported the slides that are depicted in the image attached hereto as Exhibit B into the United States, to Defendant.

14. Upon information and belief, at the time it agreed to purchase the slides that are depicted in the image attached hereto as Exhibit B from H2O Partners, Defendant knew that H2O Partners would import them into the United States.

15. Upon information and belief, Defendant purchased the slides that are depicted in the image attached hereto as Exhibit B based on instructions from H2O Partners.

16. Upon information and belief, Defendant was caused to purchase the slides that are depicted in the image attached hereto as Exhibit B by H2O Partners.

17. Upon information and belief, Defendant was induced to purchase the slides that are depicted in the image attached hereto as Exhibit B by H20 Partners.

COUNT I – PATENT INFRINGEMENT

18. The allegations of 1-17 are incorporated by reference as if fully set forth herein.

19. Defendant has infringed and continues to infringe the ‘821 patent by its operation and use of the recreational slides depicted in the image attached hereto as Exhibit B.

20. Defendant’s acts of patent infringement complained of herein are being carried out willfully and with full knowledge of Slick Slide’s rights in the ‘821 patent. By way of example only, Defendant’s acts of patent infringement are being carried out despite having been sent two cease and desist letters identifying Defendant’s infringement of the ‘821 patent.

21. As a result of Defendant’s actions, Slick Slide has suffered and continues to suffer substantial injury, including irreparable injury and monetary damage, including but not limited to the loss of sales and profits, which Slick Slide would have made but for the acts of infringement by the Defendant. Such injury and damage to Slick Slide will continue unless Defendant is enjoined by this Court from further infringement.

WHEREFORE, Slick Slide prays for the following relief against Defendant:

A. That a judgment be entered against Defendant, that the Defendant has infringed United States Design Patent No. D973,821.

B. That Defendant, its agents, sales representatives, servants and employees, associates, attorneys, parents, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or participation with any or all of them, be enjoined and permanently restrained from further infringing United States Design Patent No. D973,821.

C. That a judgment be entered requiring each Defendant to pay to Slick Slide monetary damages sustained by Slick Slide due to such acts of infringement, including lost profits or reasonable royalty under 35 U.S.C. § 284, or alternatively, the Defendant's total profit under 35 U.S.C. § 289.

D. That such damages payable to Slick Slide be trebled under 35 U.S.C. § 284 for willful infringement.

E. That this case be adjudged and decreed exceptional under 35 U.S.C. § 285, and that Slick Slide be awarded its reasonable attorney fees.

F. That Slick Slide be awarded its costs and prejudgment interest on all damages.

G. That Slick Slide be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Slick Slide hereby demands and requests trial by jury of all issues raised that are triable by jury.

Respectfully submitted,

Dated: July 31, 2023

s/ Ross R. Fulton

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